

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 5, 2015 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 9:00 A.M. Members of the Town Board present were Councilmember's Patrick Casilio, Peter DiCostanzo and Robert Geiger. Councilman Kolber was absent. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Highway Superintendent James Dussing and Planning Board members Paul Shear and Steven Dale.

Steinmetz Planning Group - Comprehensive Plan 2025 Progress Report

John Steinmetz gave an update as to where they are with Comprehensive Plan 2025. The project kick-off meeting with the committee took place in the winter of 2014. Youth Workshop, Stakeholder Interviews etc. were conducted in the Spring 2015. Summer 2015 a presentation and Community Profile Update. The next step after today is to put together a Draft Vision, Policies & Objectives framework. In the Fall 2015 a preliminary Plan and Future Land Use Map will be put together at which time John Steinmetz will come back to the Town Board with a presentation. A Community Open House will be scheduled. The Community Open House is not required by law but is an informal way to get feedback from the public. A draft plan will be produced late fall 2015 and winter 2015 a joint Town Board/Planning Board (along with any other advisory boards within the town) workshop will be scheduled. A Public Hearing will be scheduled for late 2015 or early 2016 for plan adoption.

Stakeholder Meetings (community in-put) - John Steinmetz said they met with several groups (Clergy Association, Chamber of Commerce, Clarence Senior Citizens, sports & youth groups etc.) to get their input.

Youth Groups liked the local sports programs and the bike paths, they would like some north south paths as well. Many of the younger people spoke of their fondness for local businesses and that they would like more of them. Their dislikes included no walkable "town center" or Community Center, they expressed a desire for more local restaurants, cafes, shops etc. Had concerns about future job opportunities and cost of living in the Town.

Senior Citizens liked living in Clarence, many have lived here most of their lives. They like the programs that the Senior Center offers, good transportation system however busing could be expanded. Some weaknesses expressed were the lack of adult day care facilities of "helping hands" type services (lawn mowing, home maintenance). More transportation options would be desirable. Affordability is a concern (housing, cost of living, medical care etc.).

Agriculture and Farmland - talking to some of the farmers in the community, they want to find and encourage more ways to engage residents in farming culture and realize the value they add to the community. As more and more new people move to Clarence, they may not be familiar with farming and some of the odors and noises that come with it. They want to be good neighbors. They like the Green Print Program. Some of the concerns that they expressed were drainage issues and subsequent road maintenance issues, congestion on north/south roadways, pressure of overdevelopment and new families moving in.

Historic Preservation - members of the Historic Preservation Committee are very proud of the history of the Town, the older structures and sites. Their biggest concern is how to protect the hamlets and history of the town and not lose the character of the town. Lack of understanding of the value of history and architecture are a threat.

Economic Developers – After meeting with several developers, one of the things they identified as an opportunity was the opportunity to infill existing areas and reinvestment in walkable hamlet centers (Clarence Center and The Hollows). One of their concerns is sewer condition and availability.

Community Profile Summary - the town has grown since 1970 and will continue into 2020. The population of the County has declined while the population of the town has increased. Clarence Center, East Amherst and the northern regions of the Town grew about 22% from 2000 - 2010. Clarence Hollow and the south/southeastern regions of the Town had an 11 – 13% growth rate during the same time frame. Clarence is projected to continue to grow by 17% into year 2020, while Erie County continues to decline. The largest growth is expected in the northern section of Town.

The Town's population is made up primarily of 45 - 54 year olds. Clarence is a rapidly aging population.

Household Trends 2000 – 2010 - 32% growth in non-family households, 30% growth in households over the age of 65+. Household size and family size are decreasing.

Clarence has a very high housing occupancy rate and a much larger proportion of higher end cost housing than Erie County as a whole. (Clarence Median Housing Value - \$237,000, Erie County Median Housing Value - \$124,300).

The unemployment rate and poverty rate for Clarence is extremely low. The ratio of inflow/outflow of jobs in Clarence has not changed much from 2002 – 2011. Approximately 10,000 people came into Clarence to find work, 10,000 leaving to find work.

Land Use Comparison – 60% is vacant agricultural land or large lot residential, 25% smaller lot residential. Commercial and industrial make up 7% land use and Community Services/Public Facilities make up 7% land use as well. Even though the smaller lot residential makes up 25% land area, it makes up 76% of the assessed value.

In conclusion, Clarence is a growing, aging population with an increasing number of households in the Town. Clarence in very high end and business thrive from an economic standpoint. It is a very engaged community between various interest groups including local sports programs, historic preservation groups, senior community, and faith community. A lot of people are interested in the quality of life and in the future of Clarence.

Implications:

- The Town is affluent and will likely continue to remain and/or become more affluent
- Housing market affordability and land value may continue to limit the attraction and retention of young families and others
- The Town has seen an increase in the number and share of senior residents. This trend will continue
- A large portion of the Town's quality of life is currently driven by private investment (farms, restaurant, neighborhoods etc.)
- There is an opportunity to address many of the strengths and weaknesses identified by the public by increasing the density of the hamlets
- Private development is typically focused on the short term and limited to parcel by parcel thinking. Since private investment is often short sighted, the Town's roll has been to guide this investment towards longer term goals

- Agricultural land is under development pressure from residential development
- As newcomers continue to locate in Clarence and longtime residents leave, the existing social and civic ties are eroding. Newcomers are perceived as apathetic to the community and its future
- There is a growing demand for more diverse recreational opportunities for specialized facilities. Older population may not be supportive of the recreation needs and desires of the younger population
- We will continue to lose historic structures and sites unless we can find sustainable options for their adaptive reuse
- There is an increasing desire for alternative transportation options for pedestrians, bicyclists and the senior community

The next step in this process is to draft policy framework and schedule a joint workshop for September 30th where goals and objectives will be discussed.

Town Engineer Tim Lavocat

Town Engineer Lavocat gave an update on the Court Facilities Project. Very detailed floor plans have been established. Several weeks ago, the State Police wanted to reconfigure their portion of the facility. This set the project back approximately one month. That area had to be reworked and an estimate was done based on their narrative and limited plans, the estimate came back over-budget. Currently they are figuring ways of honing the project in and want to address this challenge now rather than later. Through discussions with their estimators, they have found that construction costs are escalating 3%-5% per year. Currently they are looking at all available options and they are being discussed at length. The schedule as of now is to break ground in the spring rather than this fall. It can be more costly going through a winter construction cycle. All the bidding and administrative work can be substantially completed over the winter months.

Within the next several months, Town Engineer Lavocat will meet with the Town Board along with representatives from the EC Sheriff and NYS Police to present final floor plans and a rendering before the design is finalized and goes to bid.

Two years ago, the library roof was replaced, it was a successful project and all objectives and goals were met. Phase II of the overall project was to look at some ongoing mechanical issues at the library. A study was done in August 2014 which highlighted some items that needed attention. The main item was the chiller which has had issues in the past. It is costing the town dearly in compressor failures and service calls. The reason for this is because the coolant lines that run from the library to the chiller are underground. The recommendations from the study suggested relocating the chiller closer to the library and have the chiller lines above ground. Town Engineer Lavocat is willing to move forward with this, there is money in the Capital Account under the library repair project that should be utilized for this. A Resolution will be presented to the Town Board at the August 12Th. Board meeting to move forward with this. The compressor has been replaced three times at a cost of \$6,000 - \$7,000.

Daniel Loudenslager 6065 Strickler Road – Noise

Mr. Loudenslager is requesting the Town's help with a problem he and his surrounding neighbors are having with his immediate neighbor to the north and their motor bikes. He has been to the NYS Police and Erie County Sheriff's Department with this issue. There are laws on the books and he was advised to test the laws to see if they are suitable. His case went to court and the Judge said that the laws on the books are useless for this case. The only way they could enforce the law is a "Distance/Footage Law." Mr. Loudenslager is asking the Town Board to look into this. The current law mentions "unruly noise" and the question comes up as to what constitutes unruly noise. In speaking with the Judge and the State Police, the current law does not have enough "teeth" to do anything.

Mr. Loudenslager's biggest concern now is that his neighbor has made a complete race track in his back yard, three loads of dirt have been brought in for a total of three jumps. Mr. Loudenslager is at a loss, he does not know what to do or who to turn to. It has gotten to the point now that the dust from the jumps has gotten out of hand. The one jump is within 50 feet from his house. The properties are not that wide, they are approximately 115 W x 590 D. Several neighbors have approached the man asking him to keep the bikes to the back of the property and they were told it is not his problem and he will not shorten the track. When this first came about, the kids were riding small bikes now they have advanced to motocross bikes. Even with the windows and doors closed, you cannot drown out the noise and it has gotten to the point where Mr. Loudenslager and his wife have to physically leave the house.

Mr. Loudenslager has copies of letters from himself and his surrounding neighbors that he has sent the town but has gotten no feedback. He previously requested that the Town Board come out to look at his property, Councilman Casilio was the only one to show up. He would appreciate it if the other board members would come and look and see what the situation is. Several town officials from the Building Department and Zoning Office have been to Mr. Loudenslager's house, reports were written but Mr. Loudenslager was told that in order to get copies of those reports he would have to go through his attorney. Mr. Loudenslager has spent thousands of dollars on attorneys but with the laws the town has, there is nothing his attorney can do. He doesn't know where to go or who he can turn to anymore.

Councilman Geiger asked how many neighbors were in the group. Mr. Loudenslager presented a copy of the petition that was submitted to the Town. Councilman Casilio stated that he was out to the site on Strickler Road several times. He said the Board was lead to believe these were stock motorcycles when they are far from being stock and have violent racing exhaust systems. They are running racing motor cross motorcycles.

One of the neighbors tried to address the problem and was thrown off the property. Mr. Loudenslager presented photos of the three jumps that were recently put in, it is no longer just a track. It is not only the neighbor's kids that race these motor cross bikes but they invited others to ride as well.

Again Mr. Loudenslager has met with the NYS Police and there is nothing they can do with the laws the Town currently has on the books. He is concerned that this is going to get worse because the neighbor has several friends that come over with their bikes. The noise and the dust is unacceptable. Mr. Loudenslager and his neighbors have a lot of money invested in their homes. He is not disputing that an individual doesn't have a right to do things on their property but when it interferes with the entire neighborhood the way it does it hardly seems right. The neighbor has been approached to try to address these concerns but you cannot talk to him. A law was presented to the Board on May 13, 2015 that addressed recreational vehicles. Mr. Loudenslager questioned the legality of the track and the fact that other people are coming in to race their bikes. This has been going

on for six years and he and his surrounding neighbors are frustrated. He again stated that he would appreciate it if the Town Board would stop by his house to see firsthand what he is talking about. Supervisor Hartzell stated that he will discuss this further in Executive Session.

Town Attorney Lawrence Meckler

Town Attorney Meckler has two items to discuss in Executive Session pertaining to pending/potential litigation.

Highway Superintendent James Dussing

Paving work continues. Two crews are doing patching in the North end of town. The new guardrail has been installed on Westphalinger Road. Accent Stripe, Inc. was hired to do pavement stripping at all the signals as part of the Street Light Agreement. Several ditching projects are going on, one on Hunt Club Lane and several ditches on County Road and Memorial Park.

The bids came back higher than expected for the Salt Barn Project however after working with the contractor, they came up with a manageable number. A resolution will be presented at the August 12th Town Board meeting. The current salt barn will be used for storage.

For over a year, the highway department has been working on the replacement of the 1987 paver. There is a paver on State Bid that Superintendent Dussing will purchase, this purchase will update all their paving equipment. The 1987 paver will go to auction.

The Youth van is totaled, the town has not been reimbursed from the insurance company yet. Another 12 passenger van has been located in Rochester area.

Superintendent Dussing has obtain three bids to crack seal and stripe the Town Hall and Library parking lots however he did not like the prices he received so he is having Site-Kote do the work under the Amherst bid to get the best pricing.

Highway Superintendent Dussing and Councilman DiCostanzo met with Dave Huck regarding the poles and lights at the Wehrle Golf Dome. Mr. Huck has agreed to donate the lights and wooden poles to the Town. The Highway Department has agreed to transport the poles. Hank Stockwell has offered to donate the equipment to remove the poles, he is just asking the Town pay for manpower.

Town Attorney Meckler stated that the town can accept the donation however since Mr. Huck is a developer and does business with the town, he has the obligation to file a Donation Certificate with the State Ethics Commission.

Director of Administration and Finance – Pam Cuiello

Pam stated that the budget process has begun. Liaisons should start receiving reports from your prospective Department Heads. The Comptroller's rate is .73% so it is a very small amount of increase.

Councilman Patrick Casilio

Councilman Casilio is anticipating a recommendation for two street lights for the next Town Board meeting.

A recommendation for the camera in the Hollow will be forthcoming. A camera location has been established as well as cost estimates.

Councilman Peter DiCostanzo

Councilman DiCostanzo has one item to discuss in Executive Session regarding the employment history of an individual.

Councilman Robert Geiger

Councilman Geiger thanked all Departments for the use of their town vehicles for the Youth Bureau, it was a tremendous help.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to enter in Executive Session pursuant to § 105(1) D of the Open Meetings Law to discuss pending litigation; § 105(1) F the employment history of a particular person. Confidential Secretary to the Supervisor Karen Jurek was asked to sit in during the Executive Session. Upon roll call Ayes:

There being no further business, the Work Session adjourned at 10:45PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adjourn the Executive Session at 11:09 AM Upon roll call - Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell. Noes: None. Absent: Councilman Kolber. Motion carried.